

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                                   |   |                         |
|-----------------------------------|---|-------------------------|
| IN THE MATTER OF:                 | ) |                         |
|                                   | ) | CASE NO. BK10-81001-TJM |
| TMS EQUIPMENT, LLC.,              | ) |                         |
|                                   | ) | A10-8021-TJM            |
| <u>Debtor(s).</u>                 | ) |                         |
| VFS US LLC, d/b/a VOLVO FINANCIAL | ) |                         |
| SERVICES, f/k/a VOLVO COMMERCIAL  | ) | 8:10CV103               |
| FINANCE,                          | ) |                         |
|                                   | ) |                         |
| Plaintiff,                        | ) |                         |
|                                   | ) | ORDER                   |
| v.                                | ) |                         |
|                                   | ) |                         |
| TMS EQUIPMENT, LLC, and           | ) |                         |
| TMS DEVELOPMENT, LLC,             | ) |                         |
|                                   | ) |                         |
| Defendants.                       | ) |                         |
| _____                             | ) |                         |

This matter is before the court on the Report and Recommendation of U.S. Bankruptcy Court Judge Timothy J. Mahoney, Filing No. 20. There are no objections to the Report and Recommendation pursuant to NEGenR 1.5(b)(2).

The court finds that pursuant to 28 U.S.C. § 157(d) and NEGenR 1.5(b)(2) and for good cause shown that the Report and Recommendation should be adopted in its entirety.

IT IS ORDERED:

1. The Report and Recommendation of U.S. Bankruptcy Court Judge Timothy J. Mahoney, Filing No. 20, is adopted in its entirety.
2. The referral of this case to the Bankruptcy Court for the District of Nebraska is withdrawn.
3. The parties are hereby given 30 days from the date of this order to refile any motions pending at the time the court referred this case to bankruptcy.
4. This case is referred to Magistrate Judge Thomas D. Thalken for further progression of the matter.

DATED this 1<sup>ST</sup> day of September, 2011.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief District Judge